



PATENT
161009-2002

DAW

AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thebault, et al.
USSN: 10/079,446
For: HIGHWAVE OPTICAL TECHNOLOGIES
Examiner: Dalei Dong
Art Unit: 2875
Confirmation No.: 9166

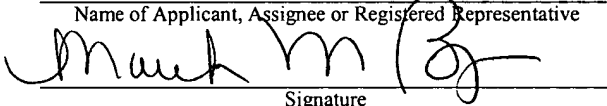
745 Fifth Avenue
New York, NY, 10151

EXPEDITED PROCEDURE
RESPONSE AFTER FINAL ACTION
UNDER 37 C.F.R. 1.116

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop AF Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**, on the date shown below.

Marilyn Matthes Brogan, Reg. No. 31,223

Name of Applicant, Assignee or Registered Representative



Signature

July 29, 2005

Date of Signature

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the final Office Action dated February 1, 2005, finally rejecting claims 1-4 and 10-33. A check in the amount of \$500.00 is enclosed to cover the appeal fee required by 35 U.S.C. §41(a)(6) and 37 C.F.R. §1.17(e). Please charge any additional payment or credit any overpayment to Deposit Account No. 50-0320.

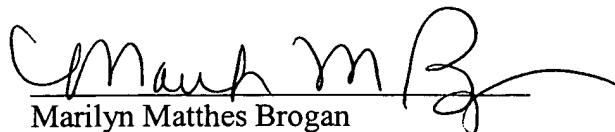
00300183

This Notice is being filed in triplicate, together with a Petition for a three-month extension of time and a Rule 116 Amendment.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicant

By:

A handwritten signature in black ink, appearing to read "Marilyn Matthes Brogan", written over a horizontal line.

Marilyn Matthes Brogan

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